



CEQA Streamlining from Prior CEQA Documents for Housing Projects

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Development Streamlining Services

Funded and managed by:

**Southern California Association of Governments
(SCAG)**



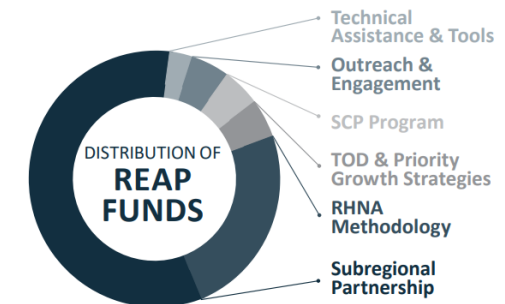
With grant funding from:

**State of California Department of Housing and
Community Development (CA HCD)**



From a grant through:

Regional Early Action Program (REAP)



Development Streamlining Materials

The screenshot shows the SCAG website's 'Development Streamlining Efforts' page. At the top, there is a dark blue header with the SCAG logo on the left and navigation links for 'CONNECT SoCAL', 'REAP 2.0', 'RDP', and 'TRANSLATE' on the right. Below this is a teal navigation bar with links for 'ABOUT US', 'MEETINGS', 'OUR WORK', 'DATA & TOOLS', 'GET INVOLVED', and 'NEWS & EVENTS'. The main content area is divided into a left sidebar and a main content column. The sidebar, under the heading 'OUR WORK', lists several categories with expandable/collapsible icons: 'Connect SoCal' (+), 'Inclusion, Diversity, Equity & Awareness', 'Programs & Projects' (-), 'Housing' (-), 'Regional Housing Needs Assessment', 'Housing Element Support' (+), 'Regional Early Action Planning' (-), 'Development Streamlining Efforts' (selected), 'Housing Policy Leadership Academy', 'Housing Policy Forum Series', 'REAP 2.0', 'Other To Residential Toolkit', and 'Sustainable Communities'. The main content column features the heading 'DEVELOPMENT STREAMLINING EFFORTS' above a blue illustration of a city skyline with a sun, clouds, and buildings. Below the illustration, a text block explains that SCAG has prepared guidance materials in response to a questionnaire to accelerate housing production. A sub-heading 'Development Streamlining Materials' is followed by text about recent changes in state laws and the development of guidance materials. At the bottom of the main content area, there is a white box with a green border containing the text 'DEVELOPMENT STREAMLINING GUIDANCE MATERIALS' and a plus sign (+).

<https://scag.ca.gov/streamlining>















Development Streamlining Materials

Development Streamlining Materials

Recent changes in State laws to CEQA's environmental review process as well as new State laws to streamline administrative review processes have created new opportunities for jurisdictions with regulatory land use control to streamline and shorten the entitlement process and accelerate the production of much needed housing.

The guidance materials below were developed to provide support and pathways for local jurisdictions and land use practitioners to address these challenges.

DEVELOPMENT STREAMLINING GUIDANCE MATERIALS

-  What is CEQA Streamlining?
-  Senate Bill 375: CEQA Streamlining
-  CEQA Streamlining Options for Non-Exempt Housing Projects Covered by an Existing EIR: Project Eligibility Review Matrix
-  CEQA Streamlining For Infill Projects and Projects Consistent With Community Plan and Zoning
-  CEQA Categorical Exemptions
-  CEQA Exemptions for Housing Projects: Project Eligibility Review Matrix
-  Transit Priority Project and Transit-Oriented Project CEQA Exemptions
-  CEQA Article 12.5 - Exemptions For Agricultural Affordable and Infill Housing
-  Legislative Summary of AB 2345 - Density Bonus Law
-  Density Bonus Law: What are Incentives, Concessions, and Waivers?
-  Senate Bill 9: Ministerial Approval of Duplexes and Urban Lot Splits
-  Senate Bill 10: Local Rezoning for "Missing Middle" Housing Production
-  Senate Bill 35: Affordable Housing Streamlined Approval
-  Senate Bill 330 and Senate Bill 8: Summary of Housing Crisis Act of 2019

<https://scag.ca.gov/streamlining>

Legal Disclaimer

The purpose of this material is to provide guidance, which agencies and other entities may use at their discretion. This guidance does not alter lead agency discretion in decision-making, independent judgment and analysis, and preparing environmental documents for project or governmental action subject to CEQA requirements. This material is for general information only and should not be construed as legal advice or legal opinion.



Introductions



CHAD BECKSTROM, AICP
Ascent Environmental



CURTIS E. ALLING, AICP
Ascent Environmental



MARGARET SOHAGI, JD
Sohagi Law Group

Housekeeping Items



Webinar will be recorded and available on SCAG website:
<https://scag.ca.gov/streamlining>



Questions in Q&A box will be addressed at end of presentation



You can also send questions to Nashia Lalani at
lalani@scag.ca.gov



Upcoming "Office Hours" – dates and registration forthcoming



Agenda

- 1 Tiering and Later Activities after Program EIRs**
- 2 Streamlining for Projects Consistent with Plans/Zoning**
- 3 Streamlining for Infill Projects**
- 4 Streamlining for Transit-Oriented Projects**
- 5 Q&A**

What is CEQA Streamlining?

- Expediting environmental review
- Using exemptions and tiering
- Purpose is to:
 - Avoid unnecessary documentation
 - Prevent redundancy
 - Provide an incentive for qualifying projects



What Does Streamlining Look Like?

Is there a CEQA exemption that applies?

YES ▶

Project does not require further CEQA analysis. May file an NOE.

NO ▼

Is there another CEQA document that may cover the project?

YES ▶

Streamlined review may be available.

NO ▼

Is the project a Transit Priority Project; a residential, mixed-use or employment center on an infill site within a TPA; or does it refurbish dilapidated structures for new housing?

YES ▶

Traditional CEQA is required, but reduced analysis may apply for cumulative impacts, growth inducing impacts, alternatives, aesthetics, and/or parking.

NO ▼

Prepare an ND, MND or EIR according to the CEQA Guidelines.



POLL #1: WHAT DO YOU FEEL IS THE BIGGEST CONSTRAINT TO USING CEQA STREAMLINING TOOLS?

- a. Actual or perceived risk of legal challenge**
- b. Lack of knowledge about or experience applying exemptions or streamlining tools**
- c. Public or decision-maker expectation that CEQA review must be an EIR or MND**
- d. Lack of resources (e.g., staff time or budget)**
- e. Existing exemptions and streamlining tools are not beneficial in terms of time or effort**
- g. N/A, no substantial constraints**



TIERING AND LATER ACTIVITIES FROM PROGRAM EIRS

Tiering

Coverage of general matters and environmental effects in a broader EIR, with a later EIR or negative declaration on a narrower project focusing on issues specific to the later project.

General guidance in Section 15152. Also, refer to specific guideline sections for types of tiering



Program EIRs

- Prepared for a series of related activities for a large project and are related:
 - Geographically
 - Logical parts in a chain of actions
 - As a continuing program
 - As individual activities under the same authority with similar effects and mitigation
- A consistent, later activity may be found to be “within the scope” of the Program EIR. No publicly circulated document is needed.



Program EIRs and Within the Scope Findings (cont.)

Advantages/Disadvantages

- Later projects may be determined to be within the scope of an approved plan/PEIR

Approach

- Document in a written checklist (like Appendix G topics) *revised*
- Consider whether supplemental review triggered per CEQA Guidelines §15162
- Adopt CEQA findings and a statement of overriding considerations (if necessary)

Subsequent, Supplemental, and Addenda

A new discretionary approval required after CEQA certification/adoption

Further CEQA review not required unless:

- Substantial changes to the project
- Substantial changes in circumstances
- New information requires major revisions
- Criterion for all three above requires that substantial changes or new information would result in new or substantially more severe significant impact(s)



CEQA Guidelines §15162; PRC §21166

Subsequent, Supplemental, and Addenda (cont.)

Advantages/Disadvantages

- Limits the scope to modifications related to the changes
- Addendum further streamlines over subsequent/supplemental and does not require circulation

Approach

- Document in a written checklist (like Appendix G topics) *revised*
- Supplement for minor changes
- Subsequent for more substantial changes and major revisions
- Recirculation of previous EIR not required



POLL #2: HAVE YOU USED TIERING AND/OR PROGRAM EIRS, AND DID IT HELP TO STREAMLINE THE CEQA PROCESS?

- a. Yes, and it was helpful**
- b. Yes, and it was not helpful**
- c. No, I have not used tiering**



STREAMLINING FOR PROJECTS CONSISTENT WITH PLANS/ZONING

Limited Review for Projects Consistent with a Community Plan or Zoning

- EIR certified for general plan, community plan, zoning action
- Later project consistent with plan/zoning
- Limited to effects “peculiar to the project”
- Incorporate mitigation and uniformly applied development policies or standards (UADPSs)



CEQA Guidelines §15183, PRC §21083.3

Projects Consistent with a Community Plan or Zoning (cont.)

- Examples of UADPSs:
 - Parking ordinances
 - Public access requirements
 - Grading ordinances
 - Hillside development ordinances
 - Flood plain ordinances
 - Habitat protection or conservation ordinances
 - View protection ordinances
 - Requirements for reducing GHGs



Limited Review for Projects Consistent with a Community Plan or Zoning (cont.)

Advantages

- No limitations on units, project site size, or other exceptions
- Analysis limited to significant impacts not covered in EIR that are peculiar to the site and are not reduced by mitigation measures and UADPSs

Approach

- Document in a written checklist (like Appendix G topics) *revised*
- Describe impacts peculiar to the project or site
- Describe new and more severe significant impacts not previously analyzed
- Identify UADPSs would substantially mitigate the effects

Relevant Case Law: *Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal. App. 4th 273

- Upheld City's use of Guidelines §15183 for CEQA review of zoning ordinance that limited large grocery stores to specific areas of town
- What it means to be "peculiar":
 - "A physical change in the environment will be peculiar to the Ordinance if that physical change belongs exclusively or especially to the Ordinance or if it is characteristic of only the Ordinance."



(PRC §21155(a); 21155.2(a)-(b))



CEQA STREAMLINING LEGISLATION

SB 226

SB 375

SB 743



STREAMLINING FOR INFILL PROJECTS

SB 226: Streamlining for Infill Projects (CEQA §15183.3)

- EIR certified for a general plan, community plan, specific plan, or zoning
- CEQA review of a qualifying project is limited to:
 - environmental effects specific to the project or site not addressed in the prior EIR
 - substantial new information showing effects will be more significant than in the prior EIR



CEQA Guidelines §15183.3, PRC §21094.5

SB 226: Streamlining for Infill Projects (CEQA §15183.3) cont.

- Applies to:
 - residential
 - commercial/retail
 - office
 - transit station
 - school
 - small walkable community project
 - mixed-use project
- Previously developed urban sites or vacant land at least 75% surrounded by urban uses
- Must first satisfy statewide performance standards and standards by project type in **Appendix M**
- Consistent with an SCS or APS



SB 226: Streamlining for Infill Projects (CEQA §15183.3) (cont.)

Advantages

- Applies to a wide range of project types

Approach

- Complete Appendix N or similar written checklist
- Could lead to “No Further Review” determination
- Document impacts with an ND/MND or Infill EIR
- Not required to address:
 - alternative locations, densities, building intensities
 - growth inducing impacts

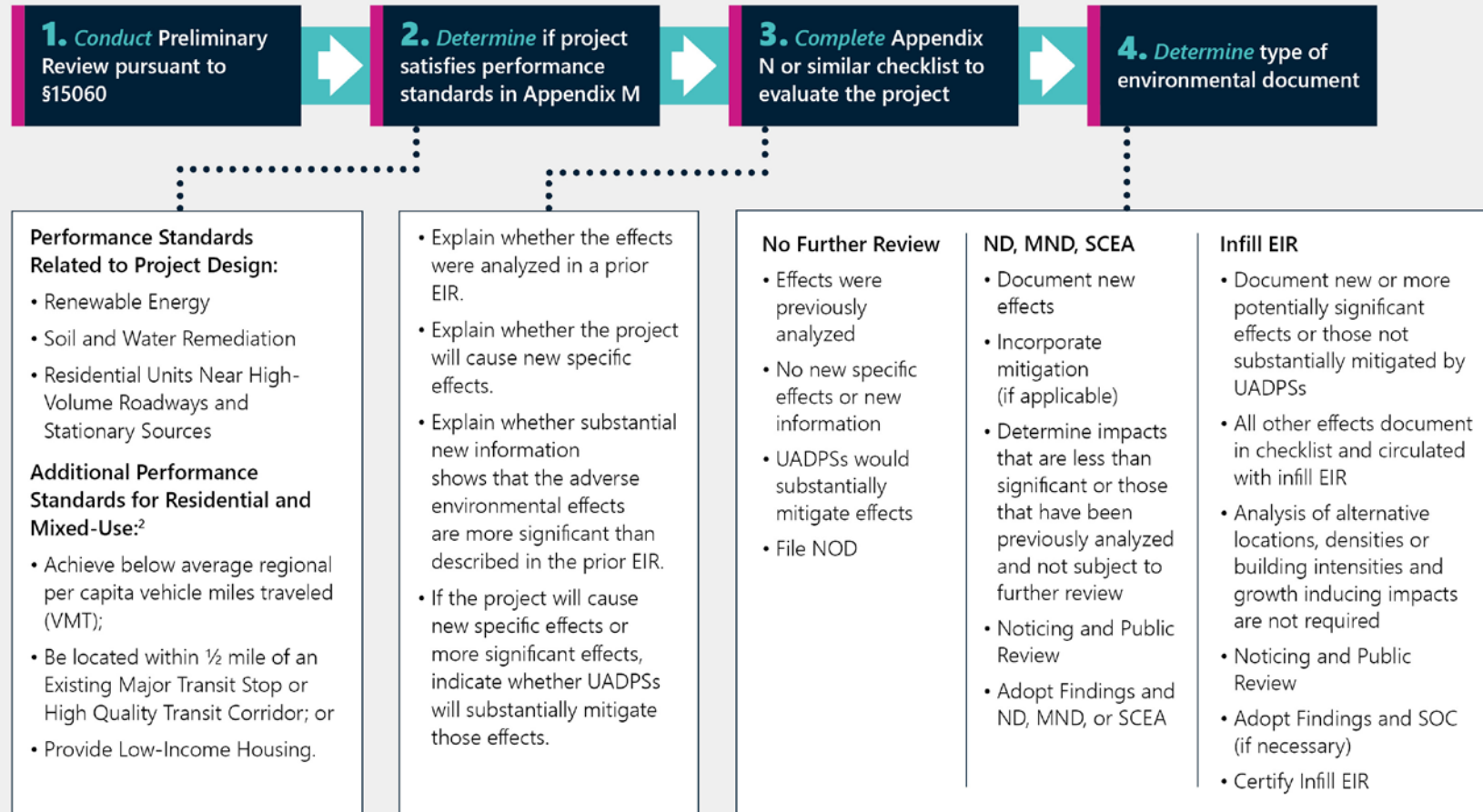
APPENDIX N: INFILL ENVIRONMENTAL CHECKLIST FORM

	Significant Impact	Less Than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
<u>I. AESTHETICS</u> , Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(PRC §21094.5 and CEQA Guidelines §15183.3)

SB 226: Streamlining for Infill Projects (CEQA §15183.3) (cont.)

Urban Infill Streaming Process



²See Appendix M (IV. [B-G]) for additional standards for other types of projects that are subject to urban infill streamlining.



POLL #3: DO YOU HAVE A CERTIFIED EIR ON A GENERAL PLAN, COMMUNITY PLAN, OR ZONING THAT HAS SUFFICIENT ANALYSIS TO BE USED FOR STREAMLINING FUTURE HOUSING PROJECTS?

- a. Yes, and it has been helpful**
- b. Yes, and it is not helpful and still requires project-level EIRs and MNDs**
- c. No, but we will ensure that we prepare one the next opportunity**
- d. I have no idea, but will look into it**



STREAMLINING FOR TRANSIT-ORIENTED PROJECTS

SB 375: Sustainable Communities and Climate Protection Act of 2008

- Incentives for projects consistent with a Sustainable Communities Strategy (SCS)
- Added SCS Project Exemption for transit priority projects (TPPs)
- Added Streamlined CEQA for TPPs and residential or mixed-use projects that are not exempt
 - Sustainable Communities Environmental Assessment (SCEA)
 - Limited EIR
 - Reduced level of analysis

The SCS in the SCAG Region



- SCAG's RTP/SCS
 - A vision for Southern California's future, including policies, strategies, and projects for advancing the region's mobility, economy, and sustainability through the plan's horizon, at least 20 years into the future
 - Updated every four years (federal requirement)
 - Must integrate a regional development pattern & transportation network and achieve targets to reduce GHG emissions from passenger vehicles and light-duty trucks (SB 375 requirements)
- 2020 RTP/SCS (Connect SoCal 2020) is the current plan (adopted in September 2020), including the SCS Technical Report
- Development of the next plan (2024 RTP/SCS or Connect SoCal 2024) is underway. For more information, please visit <https://scag.ca.gov/connect-socal>

Definition of a Transit Priority Project (TPP)

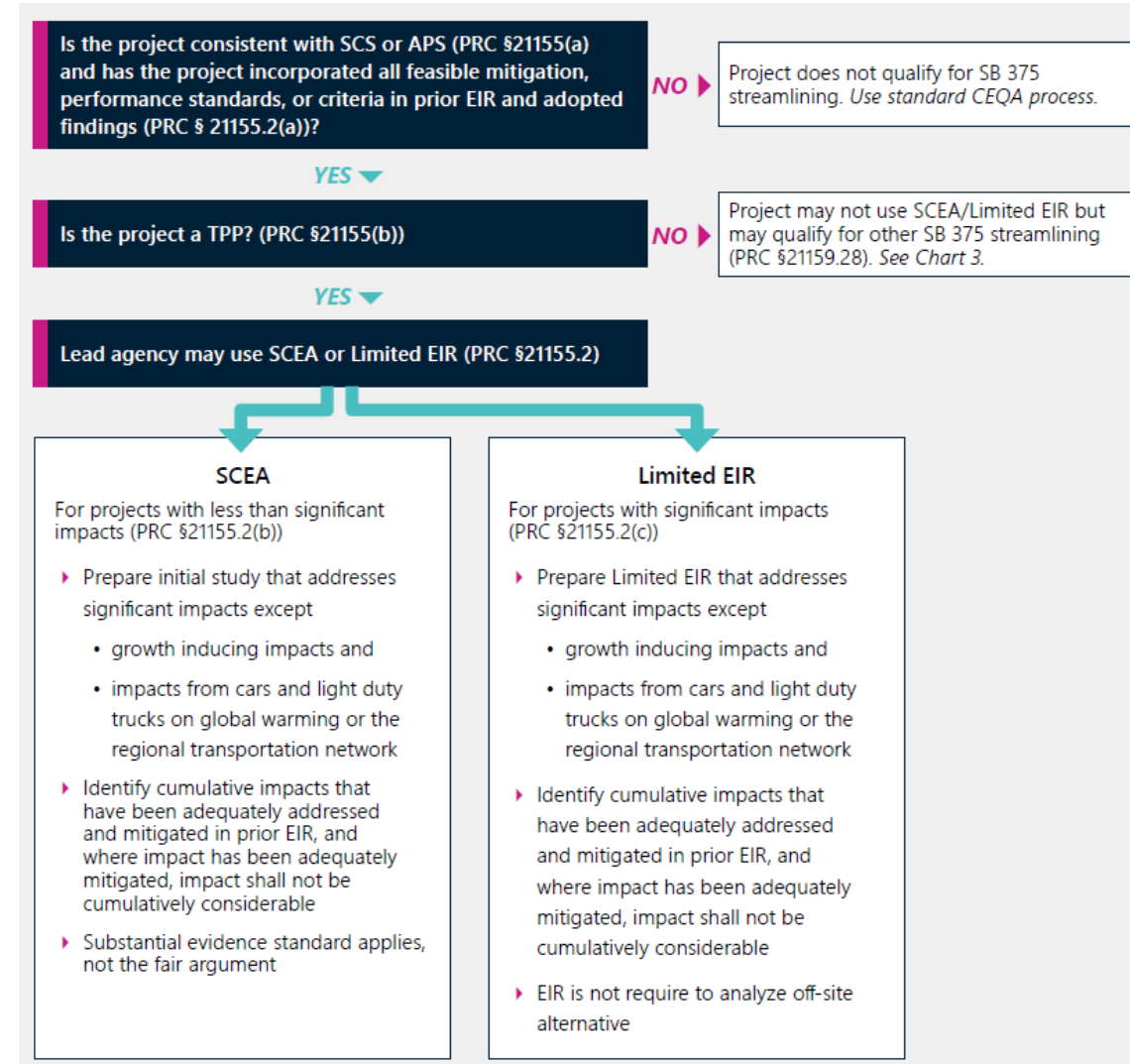
- Up to 200 residential units
- Up to 8 acres
- At least 50% residential use
 - If 26-50% non-residential uses, FAR ≥ 0.75
- 20 du/ac minimum density
- Within 0.5 mile of major transit
- Consistent with an SCS or Alternative Planning Strategy (APS)



PRC §21155

TPP Streamlined Evaluations

- TPPs that do not qualify for SCS exemption
- Analysis built upon prior EIRs
- Incorporate pertinent mitigation measures, performance standards, or criteria
- Complete SCEA or Limited EIR



SCEA: For Less-Than-Significant Impacts

Approach

- Prepare Initial Study
- Adopt SCEA if impacts are LTS, or reduced to LTS through new mitigation measures or incorporation of mitigation from prior EIR
- Circulate for 30-day public review and consider comments with a public hearing

City of Los Angeles Library of SCEAs:
<https://planning.lacity.org/development-services/environmental-review/scea>

(PRC §21155.2)

SCEA: For Less Than Significant Impacts (cont.)

Advantages

- SCEA may omit:
 - cumulative impacts that have been adequately addressed and mitigated in a prior EIR
 - growth-inducing impacts
 - impacts from cars and light duty trucks on global warming or regional transportation
- SCEA is not subject to the “fair argument” standard of review

(PRC §21155.2)

Relevant Case Law: *Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal. App. 5th 698

- Decision to use a SCEA is reviewed under substantial evidence standard
- Not required to analyze cumulative impacts (including growth inducement) in a SCEA if cumulative impacts were adequately analyzed in prior EIRs



(PRC §21155[a]; 2155.2[a][b])

Relevant Case Law: *Old East Davis Neighborhood Assn. v. City of Davis*, 73 Cal. App. 5th 895

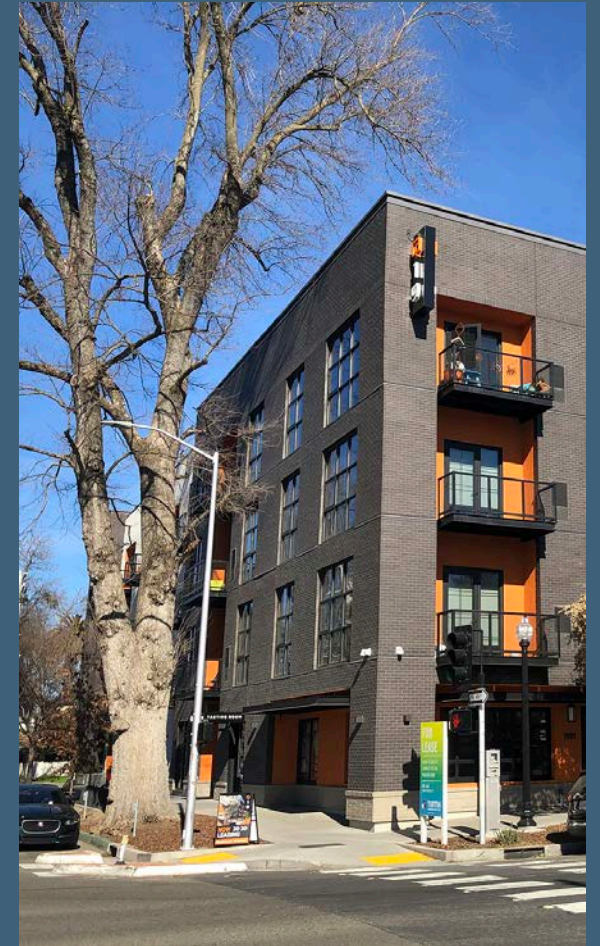
- City's finding that Trackside project was a "transition" under the General Plan was supported by substantial evidence
- City's mixed-use design guidelines were not mandatory
- Provisions of Guidelines § 21155.1 are not applicable to SCEA or limited EIR



(PRC §21155(a); 2155.2(a)-(b))

Limited EIR: For Significant Impacts

- Address only potentially significant impacts
- Not required to analyze or discuss:
 - off-site alternatives
- May omit:
 - cumulative impacts
 - growth-inducing impacts
 - impacts from vehicle trips on global warming and regional transportation network



(PRC §21155.2[c])

SB 375 Reduced Review

- Residential and mixed-use projects consistent with an SCS or APS (not qualified as a TPP)
- Standard EIR process must be followed
- Project incorporates applicable mitigation measures from the prior EIR
- May omit:
 - growth-inducing impacts
 - impacts from vehicles on global warming or the regional transportation network
 - reduced density alternative

(PRC §21159.28)

SB 743: Transit-Oriented Infill Projects

- Added CEQA exemption for TODs located in Transit Priority Areas (TPAs)
- Consistent with a Specific Plan
- Aesthetic and parking impacts are not considered significant
 - except for impacts to historic resources



Transit-Oriented Residential/Mixed-Use Implementing a Specific Plan

- Residential, employment center, or mixed-use
- Within a TPA within 0.5-mile of transit
- Consistent with a CARB-accepted SCS/APS
- No new or substantially more severe significant environmental impacts



Transit-Oriented Residential/Mixed-Use Implementing a Specific Plan – cont.

Advantages

- Available to a mix of land uses

Approach

- Demonstrate consistency with the SCS/APS
- Document changes to the specific plan EIR (Addendum-like process)
- Determine no new or substantially more severe significant environmental impacts
- May omit aesthetic and parking impacts



Aesthetic Impacts May Not Require Analysis

- Aesthetic effects shall not be considered significant if the project involves:
 - refurbishment,
 - conversion,
 - repurposing, or
 - replacement of an existing building.
- Meets five requirements in PRC §21081.3
- Does not apply to:
 - projects with aesthetic effects on an official state scenic highway, or
 - projects with aesthetic effects on historical or cultural resources.



POLL #4: DOES YOUR JURISDICTION CONTAIN A TRANSIT AREA THAT MAY BENEFIT FROM STREAMLINING OPTIONS?

- a. Yes, we regularly use these streamlining tools**
- b. Yes, and these streamlining processes have not been helpful**
- c. No, we do not have qualifying transit opportunities**

Guidance Resources and Worksheets

<https://scag.ca.gov/streamlining>

DEVELOPMENT STREAMLINING EFFORTS



In response to the results from the Development Streamlining Questionnaire, and as part of our efforts to accelerate housing production, SCAG has prepared a series of guidance materials included below. The guidance material topics were carefully selected based on feedback and include a combination of streamlining options or exemptions under CEQA and other state laws.

Development Streamlining Materials

Recent changes in State laws to CEQA's environmental review process as well as new State laws to streamline administrative review processes have created new opportunities for jurisdictions with regulatory land use control to streamline and shorten the entitlement process and accelerate the production of much needed housing.

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-  Senate Bill 35: Affordable Housing Streamlined Approval
-  Senate Bill 330 and Senate Bill 8: Summary of Housing Crisis Act of 2019



POLL #5: HOW LIKELY WOULD YOU BE TO BEGIN TO USE OR INCREASE USE OF ONE OR MORE STREAMLINING TOOLS?

- a. Highly Likely – These will help**
- b. Somewhat Likely – We'll give them a try and see**
- c. Neutral – Perhaps but we have some work to do**
- d. Somewhat Unlikely – Maybe, but these are still too complicated and risky for us**
- e. Highly Unlikely – We've tried them and they don't work for us**



QUESTIONS?

Feel free to type your questions in the Q&A box.

Contact Nashia Lalani at lalani@scag.ca.gov

<https://scag.ca.gov/streamlining>



THANK YOU!

For more information, please visit:

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